



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Jim Green, Project Manager

Public Notice Date: September 26, 2005
Expiration Date: October 26, 2005
Reference: 200500874
Name: Adams, William John

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: Mr. William John Adams
9085 Fletcher Bay Road Northeast
Bainbridge Island, Washington 98110
Telephone (206) 391-6649

LOCATION: In tributary wetlands at Bainbridge Island, Washington.

WORK: Place fill material into 0.03 of an acre (1,300 square feet) of tributary wetlands for construction of a single-family residence.

ADDITIONAL NON-JURISDICTIONAL WORK – Approximately 1,688 square feet of wetland buffer will be impacted from the proposed construction.

PURPOSE: To provide housing.

MITIGATION: A mitigation plan has been prepared and will involve restoration of 1,980 square feet of wetland on the east side of the parcel. Wetland restoration will involve excavation of historic fill and the planting of native trees and shrubs with slough sedge in the understory to compensate for the loss of the emergent wetland. Buffer enhancement will involve removal of invasive plant species and the planting of native shrubs and conifer trees in a 2,200 square foot area to create a diverse and protective buffer for the larger wetland and remaining portions of the smaller wetland.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. The bald eagle (*Haliaeetus leucocephalus*), threatened in the state of Washington, occurs in the proposed project area. A preliminary determination indicates that the activity will have no effect on endangered or threatened species, or their critical habitat, designated under the Endangered Species Act of 1973.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect

Essential Fish Habitat (EFH). The U.S. Army Corps of Engineers (Corps) has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES: The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent (*has been extensively modified by modern development*) that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

ADDITIONAL EVALUATION: The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

200500874

This proposal is the subject of a Variance and Reasonable use Exception permit being processed by the City of Bainbridge Island.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to James.D.Green@usace.army.mil. Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Adams, William John, 200500874

Encl
Drawings (5 sheets)

Legal Description

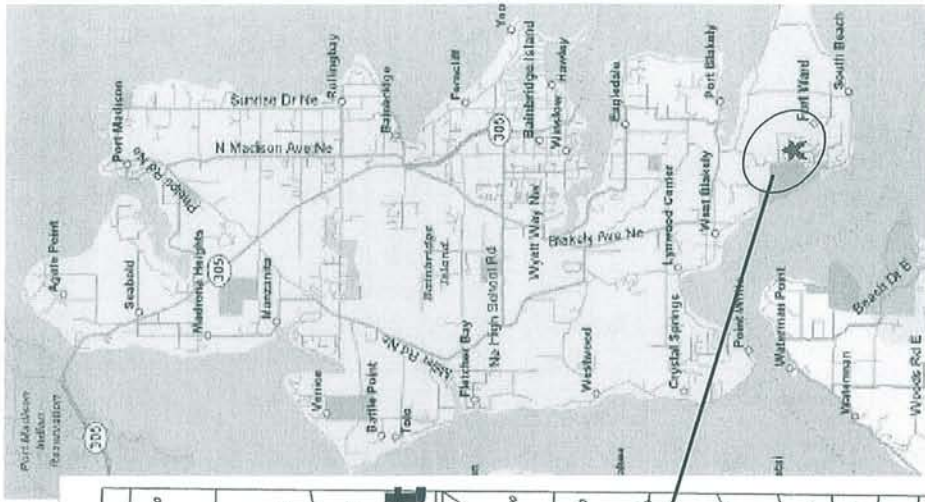
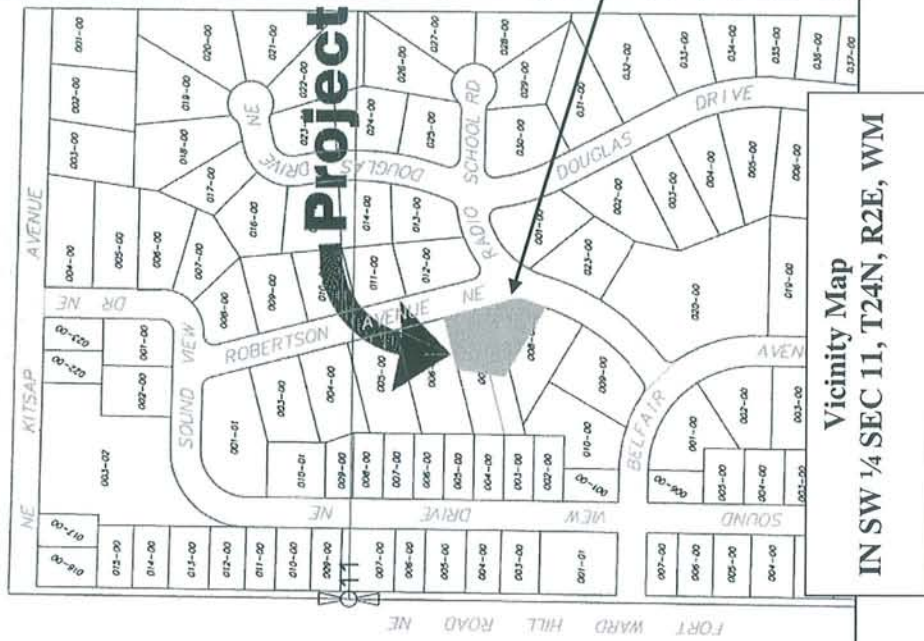
That portion of Lots 7 and 8, Block 3, FORT WARD ESTATES DIVISION 3, per Volume 10 of Plats, Pages 39 and 40, Records of Kitsap County, Washington, described as follows:

BEGINNING at the Southwest corner of said Lot 7, said point being the TRUE POINT OF BEGINNING; thence North 0°50'01" East along the Westerly limits thereof 41.19 feet; thence North 75°46'37" East parallel with the Southerly limits thereof 124.31 feet to the TRUE POINT OF BEGINNING; thence South 7°52'35" West 30.83 feet; thence South 59°19'06" East 158.74 feet, more or less, to a point on the Northwestern margin of Gordon Avenue [Changed to Radio School Road]; thence along a 393.24 foot radius curve to the right, the center of which bears North 71°01'27" West having a central angle of 11°44'15" and an arc distance of 80.56 feet to the Southerly most corner of said Lot 8 thence North 59°19'06" West along the Southwesterly limits of said lot 8 a distance of 231.30 feet, more or less, the Southerly limits of said Lot 7; thence South 75°46'37" West 21.34 feet, more or less to the TRUE POINT OF BEGINNING.

(Also known as Resultant Parcel B of Boundary Line Adjustment recorder under Recording No. 200104040002.)



Photo of Property from across Radio School Road



200500874

Proposed Wetland Fill

At: Bainbridge Island, Kitsap Co.

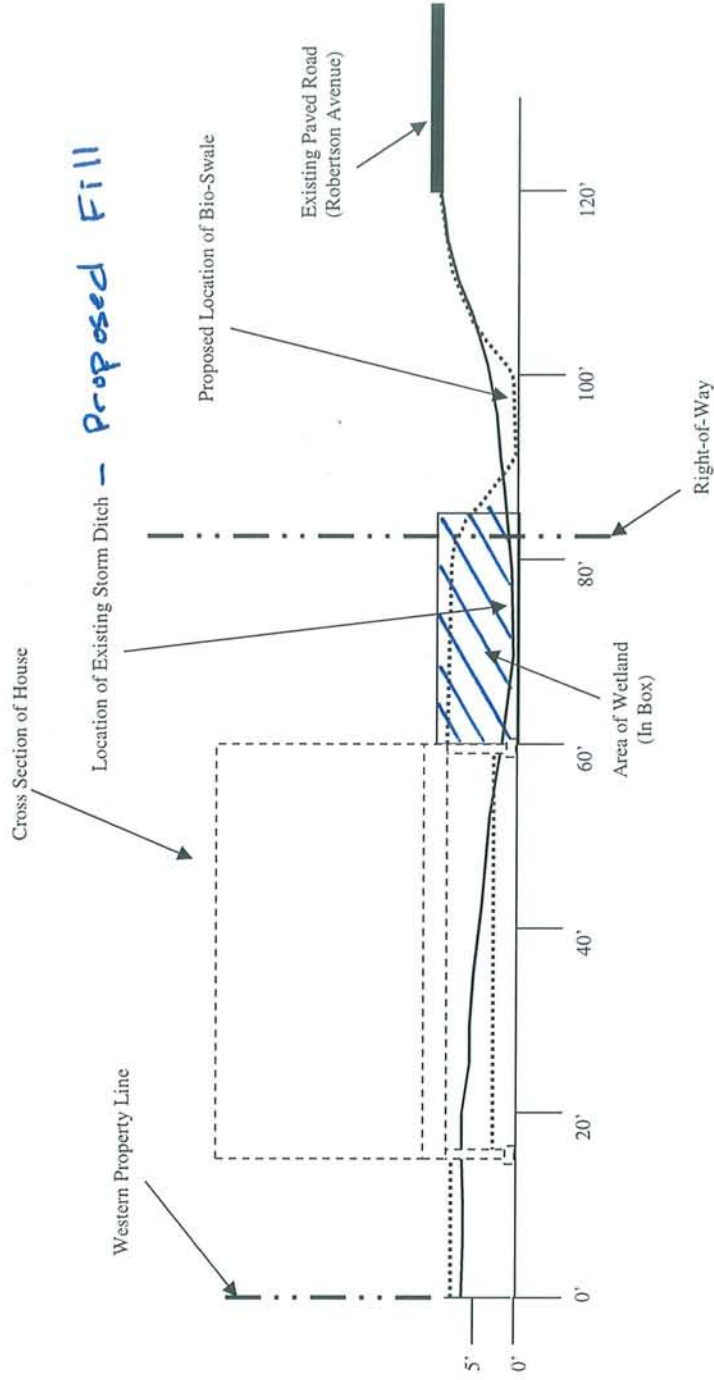
Applic. By: Bill Adams

Sheet 1 of 5 Date 7/19/05

Scale 1" = 20'

Existing Grade

Proposed New Grade



Proposed Fill

200500874

Proposed Fill in Wetlands
At: Bainbridge Island, Kitsap Co
Applic. By: Bill Adams
Sheet 4 of 5 Date: 9/19/02

Mitigation Plan – Construction of the residence will require the filling of up to 1,300 square feet (0.03 acres) of emergent wetland and will also impact up to 1,688 square feet (0.04 acres) of wetland buffer. Mitigation for the wetland fill will involve restoration of 1,980 square feet of wetland on the east side of the parcel and will involve excavation of historic fill and the planting of native trees and shrubs with slough sedge in the understory to compensate for the loss of the emergent wetland. Buffer enhancement will total approximately 2,200 square feet and will involve removal of invasive plant species and the planting of native shrubs and conifer trees to create a diverse and protective buffer for the larger wetland and remaining portions of the smaller wetland onsite. The precise location of the plantings has not been developed; however, provided below is a list of plants along with the proposed number to give an overview of the number of plants and the species that will be planted in both wetland and buffer areas.

The wetland restoration area is on the east edge of the property. It will be excavated to just below the level of the existing wetland so that a 6-inch layer of hydric soil stockpiled from the filled wetland or sterile topsoil can be applied. The underlying soil will be rototilled to loosen it if it is impacted to make it suitable for planting. With the cuttings installed at a spacing of 4-6 feet, a total of 100 plants will be planted. A total of 50 slough sedge plugs are also specified to encourage development of an herbaceous understory within the created wetland area.

The buffer enhancement area is located immediately north of the building setback between the west and east property lines and the area on the east side of the property. Plants will be installed at a spacing of 5-7 feet and will total approximately 114 shrub species with the enhanced buffer area. The upland buffer shrubs will be planted in clumps of 3 to 9 to emulate natural growing conditions and variety of shrub species will be planted to create a diverse buffer. The plants will be obtained from local, approved native plant nurseries and the willow cuttings will be collected from onsite willow trees.

The goal of the mitigation and enhancement plan is to compensate for the loss of wetlands and buffer area and to increase the function of the existing buffer by installing native trees and shrubs within the reduced wetland buffer. The goals, monitoring and performance standards, and a contingency plan are provided in the Revised June 23, 2005 *Wetland Analysis Report and Buffer Enhancement Plan* prepared by Wiltermood Associates, Inc.

Buffer Plantings			
Plant #	Common Name	Botanical Name	Size
18 (2 Clumps)	Oregon Grape	<i>Berberis nervosa</i>	1 gal
18 (2 Clumps)	Snowberry	<i>Symphoricarpos albus</i>	1 gal
18 (2 Clumps)	Sword Fern	<i>Polystichum munitum</i>	1 gal
18 (2 Clumps)	Indian Plum	<i>Oemleria cerasiformes</i>	1 gal
9 (3 Clumps)	Red Flowering Currant	<i>Ribes sanguineum</i>	1 gal
9 (3 Clumps)	Vine Maple	<i>Acer circinatum</i>	1 gal
12	Douglas Fir	<i>Pseudotsuga menziesii</i>	1 gal
12	Western Red Cedar	<i>Thuja plicata</i>	1 gal

Wetland Plantings			
Plant #	Common Name	Botanical Name	Size
45 (3 Clumps)	Pacific Willow	<i>Salix lasiantha</i>	36-48" Cuttings
45 (3 Clumps)	Red Osier Dogwood	<i>Cornus stolonifera</i>	36-48" Cuttings
50	Slough Sedge	<i>Carex obnupta</i>	Plugs
10	Western Red Cedar	<i>Thuja plicata</i>	1 gal

200500874

Proposed Fill in Wetlands
At: Bainbridge Island, Kitsap Co
Appl'd. By: Bill Adams
Sheet 5 of 5 Date: 9/19/02



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: September 26, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200500874 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600